

Philip J. Berg, Esquire
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Attorney in pro se and for Plaintiffs

Lisa Ostella and
Go Excel Global, Plaintiffs
c/o Philip J. Berg, Esquire
555 Andorra Glen Court, Suite 12
Lafayette Hill, PA 19444-2531

Lisa Liberi, Plaintiff
c/o Philip J. Berg, Esquire
555 Andorra Glen Court, Suite 12
Lafayette Hill, PA 19444-2531

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA,
SOUTHERN DIVISION**

LISA LIBERI, et al,

Plaintiffs,

vs.

ORLY TAITZ, et al,

Defendants.

CIVIL ACTION NUMBER:

8:11-cv-00485-AG (AJW)

**PLAINTIFFS NOTICE OF
MOTION AND MOTION FOR
LEAVE TO FILE A FIRST
AMENDED COMPLAINT; and FOR
AN ORDER REQUIRING THE
PARTIES TO SEEK LEAVE OF
COURT PRIOR TO THE FILING
OF ANY MOTIONS or PAPERS**

Date of Hearing: May 31, 2011
Time of Hearing: 10:00 a.m.
Location: Courtroom 10D

**PLANTIFFS NOTICE OF MOTION and MOTION FOR ORDER
GRANTING LEAVE TO PLAINTIFFS TO FILE A FIRST AMENDED
COMPLAINT; and FOR AN ORDER THAT LEAVE MUST BE GRANTED
BY THE COURT PRIOR TO THE FILING OF ANY MOTIONS**

COMES NOW Plaintiffs, Philip J. Berg, Esquire [hereinafter at times “Berg”]; Lisa Ostella [hereinafter at times “Ostella”]; Lisa Liberi [hereinafter at times “Liberi”], Go Excel Global and the Law Offices of Philip J. Berg and files the within Notice of Motion; Motion; Memorandum of Points and Authorities; and Declaration of Philip J. Berg, Esquire seeking Leave to file a First Amended Complaint; and for an Order that Leave must be Granted by the Court prior to the filing of any Motions. In support hereof, Plaintiffs aver the following:

1. Although Plaintiffs have provided a Hearing date of May 31, 2011, it is Plaintiffs position that a Hearing is **not** required for an Order Granting Leave for Plaintiffs to file their First Amended Complaint; and/or for an Order requiring an Order of the Court Granting Leave prior to the filing of any Motions. However, if this Court feels a Hearing is necessary, Plaintiffs are requesting the Hearing date to be moved to May 9, 2011, as the parties will be present before the Court on Defendant Taitz’s Motion to “Terminate” Philip J. Berg, Esquire from representing the Plaintiffs.

2. Filed concurrently herewith is Plaintiffs Application for an Ex Parte Order or in the alternative an Order Shortening Time for Defendants to Respond to

1 Plaintiffs Motion Seeking Leave to file a First Amended Complaint; and an Order
2 that Leave must be Granted by the Court prior to the filing of any Motions.

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4 3. In regards to the alternative, Plaintiffs have requested the Court to
5 shorten the time, Plaintiffs are asking that Defendants Respond to their Motion on
6 or before May 4, 2011; and Plaintiffs Reply thereto, if any, be due on or before
7 May 6, 2011, with the Hearing, if the Court deems it necessary, to be held on May
8 9, 2011 along with Defendant Taitz's Motion to "Terminate" Philip J. Berg,
9 Esquire from representing the Plaintiffs.
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12 4. Not only are Plaintiffs' counsel having to fly into California for the
13 Hearings, Defendant Orly Taitz on behalf of herself and Defend our Freedoms
14 Foundations, Inc. have filed an Anti-SLAPP Motion and Motion to Dismiss
15 pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6). Although improper, as these
16 Motions have already been filed and adjudicated, a Court date is nevertheless set
17 for May 23, 2011 and Plaintiffs must respond by the appropriate time. As this
18 Court is aware, the filing of a First Amended Complaint moots any pending
19 Motions to Dismiss, including Anti-SLAPP Motions and therefore would also
20 moot the Court date of May 23, 2011; and Plaintiffs requirement to respond to
21 Defendant Taitz's Motion.
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1 5. Good Cause exists for this Court to grant Plaintiffs Leave to File a
2 First Amended Complaint. The case was originally brought in Pennsylvania, and
3 therefore is **not** compliant with the California laws and/or rules.
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5 6. This Motion is made following the conference of counsel, which took
6 place on April 27, 2011, pursuant to this Court's *L.R*'s. 7-3 and 7-19.
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8 7. This Motion is based upon this Notice of Motion, Motion,
9 Memorandum of Points and Authorities in Support hereof; Declaration of Philip J.
10 Berg, Esquire; and upon records on file with this Court and such further oral and/or
11 documentary evidence that may be presented at the time of the Hearing, if the
12 Court finds a Hearing necessary.
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15 8. Plaintiffs have **not** previously requested Leave to Amend their
16 Complaint; and Plaintiffs bring this timely Motion as the case was just transferred
17 to this District. Defendants will **not** be prejudiced by allowing Plaintiffs to Amend
18 their Complaint.
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20 9. For the reasons stated herein, and for Good Cause Show, Plaintiffs
21 respectfully request this Court to Grant their Motion to Amend their Complaint;
22 and Grant their Request for an Order that all parties must seek Leave of Court prior
23 to the filing of any Motions.
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Respectfully submitted,

Dated: April 29, 2011

/s/ Philip J. Berg
Philip J. Berg, Esquire
Pennsylvania I.D. 9867
LAW OFFICES OF PHILIP J. BERG
555 Andorra Glen Court, Suite 12
Lafayette Hill, PA 19444-2531
Telephone: (610) 825-3134
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Attorney for the other Plaintiffs

Dated: April 29, 2011

/s/ Lisa Ostella
LISA OSTELLA, *Plaintiff*
c/o Philip J. Berg, Esquire
LAW OFFICES OF PHILIP J. BERG
555 Andorra Glen Court, Suite 12
Lafayette Hill, PA 19444-2531

Dated: April 29, 2011

/s/ Lisa Liberi
LISA LIBERI, *Plaintiff*
c/o Philip J. Berg, Esquire
LAW OFFICES OF PHILIP J. BERG
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